

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ALEISHA SAHLFELD,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,

Defendant.

CASE NO. 14-cv-05337 BHS JRC

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 16.)

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Acting Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

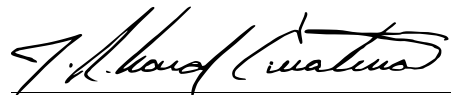
1       Following remand, based on stipulation of the parties, the Appeals Council will instruct  
2 the Administrative Law Judge (ALJ) to: (1) update the treatment evidence on plaintiff's medical  
3 condition; (2) articulate how he has evaluated the credibility of plaintiff's subjective complaints;  
4 (3) evaluate expressly the examining medical source opinion from Dr. Niems, Psy.D., and  
5 explain the reasons for the weight he gives to this opinion evidence; (4) consider further  
6 plaintiff's residual functional capacity on the updated record, citing specific evidence in support  
7 of the assessed limitations; and (5) as appropriate, secure supplemental evidence from a  
8 vocational expert to clarify the effect of the assessed limitations on plaintiff's occupational base.

9       The ALJ will make a *de novo* determination as to disability, and issue a new decision.

10       The parties agree that following proper application, plaintiff shall be eligible for  
11 attorneys' fees pursuant to the Equal Access to Justice Act, 24 U.S.C. § 2412 *et seq.*

12       Given the facts and the parties' stipulation, the Court recommends that the District Judge  
13 immediately approve this Report and Recommendation and order that the case be **REVERSED**  
14 and **REMANDED** for further administrative proceedings pursuant to sentence four of 42 U.S.C.  
15 § 405(g), consistent with this Report and Recommendation.

16       Dated this 25th day of September, 2014.

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19       J. Richard Creatura  
20       United States Magistrate Judge  
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